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**FEB 14 2006**

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**TO:** Commissioner for Patents  
**FACSIMILE NO.:** (571) 273-8300  
**FROM:** Reena Kuyper  
**DATE:** February 14, 2006  
**RE:** Serial No. 10/724,330  
Attorney Docket No.: 6046-101N8  
**PAGES SENT:** 17 (including cover sheet)

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AT (310) 247-2860**

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**MEMO:**

Serial No. 10/724,330

Please see the attached official filing.

Thank you.

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9255 Sunset Boulevard, Suite 810, Los Angeles, California 90069 (310) 247-2860; Fax (310) 247-2864  
120 East 56th Street, Suite 900, New York, New York 10022 (212) 871-5770; Fax (212) 871-5774

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Customer No.:	35,554
	)		
Ronald A. KATZ	)	Confirmation No.:	9987
	)		
Serial No.: 10/724,330	)	Group Art Unit:	2643
	)		
Filed: November 26, 2003	)	Examiner:	S. Woo
	)		
For: COMMERCIAL PRODUCT	)	Office Action dated:	Jun. 2, 2005
ROUTING SYSTEM WITH VIDEO	)		
VENDING CAPABILITY	)	Attorney Docket No.:	6046-101N8

**REQUEST FOR RECONSIDERATION OF HOLDING OF**  
**ABANDONMENT PURSUANT TO 37 C.F.R. §1.112 AND MPEP 711.03**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR RECONSIDERATION**

- Pursuant to 37 C.F.R. § 1.112 and MPEP 711.03, Applicant respectfully requests reconsideration, and withdrawal, of the holding of abandonment set forth in the Notice of Abandonment dated December 19, 2005, for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office (copy attached, *Exhibit A*).

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this document (along with any referred to as being attached or enclosed) is being facsimile transmitted to the United States Patent and Trademark Office (fax no.: (571) 273-8300) on the date shown below:

February 14, 2006  
Date

/Reena Kuyper/  
Reena Kuyper

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Application No.: 10/724,330

**PTO COMMUNICATION DATED 12/19/05 WAS DEFECTIVE**

2. Applicant timely filed an Amendment and Response to Office Action in connection with this matter on December 2, 2005 (copy attached, *Exhibit B*). The December 2, 2005 amendment was a complete and good faith response to the office action then pending.
3. However, Applicant subsequently received a Notice of Abandonment dated December 19, 2005, indicating that the case was abandoned due to "Applicant's failure to timely file a proper reply to the Office letter mailed on December 2, 2005." However, the date December 2, 2005 appears to be a typographical error. It should be Office letter mailed on June 2, 2005, instead of December 2, 2005. In other words, the Office action was dated June 2, 2005.

**THE NOTICE OF ABANDONMENT SHOULD BE WITHDRAWN**

4. Applicant respectfully requests the holding of abandonment be withdrawn. A copy of the returned stamped postcard is (attached as *Exhibit C*). Also, in the PTO PAIR Image File Wrapper, the Office already scanned the Amendment on December 9, 2005.
5. Accordingly, Applicant respectfully requests withdrawal of the notice of abandonment, and continue with further examination.

**FEE**

6. Please charge any required fee for this submission to our Deposit Account No. 50-1636. If any additional fees are associated with this request, the Commissioner is authorized to charge the necessary amount from our Deposit Account No. 50-1636. Should the Examiner have any questions about this submission, he is invited to contact the undersigned attorney to expedite resolution thereof.

Respectfully submitted,

Dated: February 14, 2006

By: /Reena Kuyper/

Reena Kuyper  
Registration No. 33,830

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Los Angeles, CA 90069  
(310) 247-2860

**Exhibit A****UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE.	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,330	11/26/2003	Ronald A. Katz	6046-101N8	9987

7590

12/19/2005

Telebuyer, LLC  
Suite 315  
9220 Sunset Boulevard  
Los Angeles, CA 90069

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Notice of Abandonment**

Application No.

10/724,330

Examiner

Stella L. Woo

Applicant(s)

KATZ, RONALD A.

Art Unit

2643

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 December 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.13 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Stella L. Woo  
Primary Examiner  
Art Unit: 2643

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

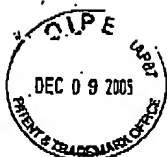
U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20051212

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# Exhibit B



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: ) Customer No.: 35,554  
Ronald A. KATZ ) Confirmation No.: 9987  
Serial No.: 10/724,330 ) Group Art Unit: 2643  
Filed: November 26, 2003 ) Examiner: S. Woo  
For: COMMERCIAL PRODUCT ) Office Action dated: Jun. 2, 2005  
ROUTING SYSTEM WITH VIDEO ) Attorney Docket No.: 6046-101N8  
VENDING CAPABILITY )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated June 2, 2005, please amend the above-identified patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

#### CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this document (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 2, 2005  
Date

/Reena Kuypers/  
Reena Kuypers

Page 1 of 11

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Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

**IN THE CLAIMS:**

Please amend the claims as indicated. A complete set of the claims is included below, reflecting added subject matter (*underlining*) and deleted subject matter (*strikethrough*), as well as the current status of each claim. This listing of claims will replace all prior versions, and listings, of claims in the application:

1-16. (Canceled)

17. (Currently Amended) A method for selectively accomplishing electronic communications between members of plural groups, including at least one potential buyer and at least one vendor, at remote sites, via a commercial transaction communication control system being adapted for use with an on-line computer service, comprising the steps of:

accessing said system via an interface adapted to communicate via the on-line computer,  
receiving and storing dynamic video data from a vendor and providing the dynamic video data to said buyer upon selection by the commercial transaction communication control system,  
providing text communications between said vendor and said buyer,  
storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer, and

selectively processing the commercial transaction data by first locating identifying select data including dynamic video and text data ~~at the vendor's remote site~~ relating to the vendor and then providing the dynamic video and text to said active buyer responsive to said commercial transaction data and in some instances selectively routing the active buyer to another distinct vendor based on the request data.

18. (Original) A method according to claim 17, further comprising the step of:  
utilizing a camera associated with said vendor to provide said dynamic video data.

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

19. (Original) A method according to claim 17, wherein the camera is adapted to image the vendor.

20. (Original) A method according to claim 17, further comprising the step of: storing the dynamic video data in a memory associated with the vendor.

21. (Original) A method according to claim 17, wherein at least certain of the dynamic video data is provided to the active buyer in freeze frames.

22. (Original) A method according to claim 17, wherein at least certain of the dynamic video data is provided to the active buyer in real time.

23. (Original) A method according to claim 17, wherein at least certain of the dynamic video data includes two-way video.

24. (Original) A method according to claim 22, wherein the real-time video is live person-to-person video communication.

25. (Original) A method according to claim 17, wherein at least certain of the dynamic video data is provided as stored video data.

26. (Original) A method according to claim 17, wherein the audio communication is received by the buyer in real time.

27. (Original) A method according to claim 17, wherein the text communications between the vendor and the buyer include provision of commercial transaction data.

28. (Original) A method according to claim 27, wherein the commercial transaction data includes product identification data.



Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

29. (Original) A method according to claim 27, wherein the commercial transaction data includes order data.

30. (Original) A method according to claim 27, wherein the commercial transaction data includes electronic data interchange (EDI) data.

31. (Original) A method according to claim 17, further comprising the step of: maintaining an inventory control for controlling text communications between a buyer and a vendor that relate to products or services.

32. (Original) A method according to claim 17, further comprising the step of: providing a notification from the vendor to the buyer when the inventory control indicates that the product or service is unavailable.

33. (Currently Amended) A method for selectively accomplishing electronic communications between members of plural groups, including at least one potential buyer and at least one vendor, at remote sites, via a commercial transaction communication control system being adapted for use with an on-line computer service, comprising the steps of:

accessing said system via an interface adapted to communicate via the on-line computer,

receiving and storing dynamic video data from a vendor and providing the high resolution still video data to said buyer upon selection by the commercial transaction communication control system,

providing text communications between said vendor and said buyer,

storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer, and

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

selectively processing the commercial transaction data by first ~~locating~~  
identifying select data including high resolution still video and text data at the vendor's  
~~remote site relating to the vendor~~ and then providing the high resolution still video and  
text to said active buyer responsive to said commercial transaction data and in some  
instances selectively routing the active buyer to another distinct vendor based on the  
request data.

34. (Original) A method according to claim 33, further comprising the step of:  
utilizing a camera associated with said vendor to provide said high resolution still video data.

35. (Original) A method according to claim 33, wherein the camera is adapted to  
image the vendor.

36. (Original) A method according to claim 33, further comprising the step of:  
storing the still image video data in a memory associated with the vendor.

37. (Original) A method according to claim 33, wherein at least certain of the still  
image video data is provided to the active buyer in freeze frames.

38. (Original) A method according to claim 33, wherein at least certain of the still  
image video data is provided to the active buyer in real time.

39. (Original) A method according to claim 38, wherein at least certain of the still  
image video data includes two-way video.

40. (Original) A method according to claim 38, wherein the real-time video is  
live person-to-person video communication.

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

41. (Original) A method according to claim 33, wherein at least certain of the still image video data is provided as stored video data.

42. (Original) A method according to claim 33, wherein the audio communication is received by the buyer in real time.

43. (Original) A method according to claim 33, wherein the text communications between the vendor and the buyer include provision of commercial transaction data.

44. (Original) A method according to claim 43, wherein the commercial transaction data includes product identification data.

45. (Original) A method according to claim 43, wherein the commercial transaction data includes order data.

46. (Original) A method according to claim 43, wherein the commercial transaction data includes electronic data interchange (EDI) data.

47. (Original) A method according to claim 33, further comprising the step of: maintaining an inventory control for controlling text communications between a buyer and a vendor that relate to products or services.

48. (Original) A method according to claim 33, further comprising the step of: providing a notification from the vendor to the buyer when the inventory control indicates that the product or service is unavailable.

49. (Withdrawn) A method of processing communications on-line to consummate transactions originating with buyers at personal computer terminals communicating through a public telephone system, comprising the steps of:

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

interfacing an active personal computer terminal to receive transaction selection data;

isolating a group of vendor sites responsive to the transaction selection data from an active personal computer;

communicating with the active computer terminal to isolate a vendor site from the group and coupling the active personal computer terminal to the isolated

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Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

#### REMARKS

This amendment is responsive to the Office Action dated June 2, 2005. The claims that are pending in this case are claims 17-48. Claim 49 has been withdrawn from further consideration as being drawn to a non-elected invention, there being no allowable generic or linking claim. Election was made, without traverse, in the reply filed on November 29, 2004. Examiner's reconsideration is respectfully requested in view of the present form of the claims and the following comments.

In paragraph 3 of the office action, claims 17-48 are rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. The Examiner has taken the position that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner appears to object to the recitation "*locating select data including dynamic video and text data at the vendor's remote site.*" The Examiner takes the position that the specification fails to provide support for this "*locating*" step. The Examiner points to the specification, at page 41, paragraph 132, which describes a vendor calling the system to transmit and store a video presentation to a file server with an identifying product code. According to the Examiner, paragraph 133 then describes the selection of buyers associated with the same product code in order to notify the select buyers as to the availability of the video presentation. Based on this, the Examiner finds no description of locating select data at the vendor's remote site and indicates that it is the vendor who calls and transmits the video presentation to the file server.

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

With respect to claim 33, the Examiner believes that it similarly recites the above subject matter, which the Examiner believes is not supported by the specification.

Applicant respectfully draws the Examiner's attention to various examples in the specification (indicated below) that describe a vendor providing video data to buyers. Clearly, such data would originate at a vendor site as it relates to a vendor and must be located or identified before it can be provided to a buyer. Despite adequate description in the specification to support the recitation of the claims as they stand, Applicant has amended claims 17 and 33 to indicate that video data relating to a vendor is identified before it is provided to a buyer.

*"In particular, the present system recognizes the need for directing and exchanging communications, such as offers and responses, between select members of plural groups or sub-groups, analyzing and compiling data relating to such members."*

*"As a part of traffic control operations, a video display (depicting motion and color) may be provided with graphics, audio and data signals, at each communication and control station, as well as, the remote locations. The personal computers may utilize well known image enhancement techniques to facilitate high resolution images for closer observation."*

*"Additionally, data associated with a vendor (or a buyer) may be graphically displayed for convenient reference. For each scene display with respect to a specific vendor, the graphic display of pertinent data provided may, for example, indicate the telephone number, the PIN number, the video format, vendor rating, current vendor delivery status and so on."*

*"Special controls such as a mouse may be instituted enabling manifestations at the vendor location to initiate action or alter the display. Special operations also may be commanded through the videophones, video still (high quality) or high fidelity (hi-fi) video means either on manual initiative or automatically by automatic apparatus."*

*"A video recorder and/or video printer may be located at a remote vendor location, central traffic control station or buyer location for selectively or continuously obtaining a video recording or video printout of displays."*

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
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*"For merchandising applications, the remote specific vendor locations communicate with the central traffic control station TIS, which is located remote from the buyers' and vendors' facilities."*

*"Under control of the central traffic control system TIS, communication is provided through a dial-up public telephone system TS, between the vendor terminals L1-Ln and the buyer systems BS1-BSn. The buyer system BS1 is shown in some detail, specifically, as including a telephone interface switch SW coupled to a control computer CC for regulating a plurality of monitor stations V1-Vn."*

*"The central traffic control system TIS may initiate contact with the vendor locations L1-Ln or the buyer locations V1-Vn (in predetermined sequence or randomly) to afford communication with the designated vendor or buyer."*

*"In some situations, select frozen frames of viewings of vendor products or a specific time period of such viewing of a vendor product may be recorded on a VCR or printed using a video printer, for example two seconds (specific time period) of a twenty minute appointment for each vendor location. Such video printing may be obtained both by buyers and vendor."*

*"The traffic control system TIS also includes a video file server 37, where vendors and buyers may deposit a video recording of a product being offered by a vendor or alternatively, desired by a buyer. A block indicated at 45 and labeled "data storage" stores standard system and network software. Selectivity logic, indicated at 47, to prevent information overload selectively directs communications between members of plural groups or sub-groups, such as wholesale buyer and vendor groups."*

*"Summarizing the extensive treatment above, the present system variously implements both online and offline communication as between vendors and buyers. The communication is considerably enhanced by video displays. Accordingly, a video file server T34 is coupled directly to the telephone interface structure T12 and to the control computer T16."*

In paragraph 4 of the office action, claims 17-29, 33-45 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Smith in view of Grady et al. The Examiner acknowledges that Smith differs from claims 17 and 33 in that it does not specify text communications between the vendor and the buyer. However, that void, the Examiner believes is easily filled by the teaching in Grady, which the Examiner asserts is from the same field of endeavor. Respectfully, Smith teaches a system, which is directed to an arrangement for

Application No.: 10/724,330  
Amendment dated: December 2, 2005  
Reply to Office Action of: June 2, 2005

supplying audio and video signals from separate sources to a video telecommunications station. Grady teaches a communications system supporting shared multimedia sessions.

Neither reference, alone, or in combination, teach the claimed system, which recites the steps of storing data associated with an active buyer, in a memory associated with the commercial transaction communication control system including buyer identification data and commercial transaction data that includes request data entered by the active buyer and selectively processing the commercial transaction data by first identifying select data including dynamic video and text data relating to the vendor and then providing the dynamic video and text to the active buyer responsive to said commercial transaction data and in some instances selectively routing the active buyer to another distinct vendor based on the request data.

In paragraph 6, the Examiner rejects claims 30-32 and 46-48 under 35 U.S.C. Section 103(a) as being unpatentable over Smith and Grady and further in view of Brown et al. The Examiner asserts that a combination of Smith and Grady differs from Brown et al., only in that it does not teach the use of EOI data. Claims 30-32 and 46-48 are dependent claims and distinct at least for the reasons urged above with respect to the claims, from which they depend.

Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the arguments urged above. Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

Dated: December 2, 2005,

By: /Reena Kuyper/  
Reena Kuyper  
Registration No. 33,830

9255 Sunset Blvd., Suite 810  
Los Angeles, CA 90069  
(310) 247-2860



## Exhibit C

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Please acknowledge receipt of the following by affixing hereon the return and returning this card to our office.

### AMENDMENT AND RESPONSE TO OFFICE ACTION

Applicants	Ronald A. Katz
Serial No.:	10/724,330
Filed:	November 26, 2003
For:	COMMERCIAL PRODUCT ROUTING SYSTEM WITH VIDEO VENDING CAPABILITY
Attorney(s):	Reena Kuyper
Docket No.:	6046-101N8
Date of Deposit:	December 2, 2005
Enclosures:	Transmittal Letter (1pg); Fee Transmittal (1pg) in duplicate; Petition for Extension of Time (1pg) in duplicate; Amendment and Response to Office Action ( // pgs); Return Postcard

